

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : CRIMINAL NO. 22-64
DAVID DIXON :
**GOVERNMENT'S MOTION TO WITHDRAW A PREVIOUSLY FILED MOTION IN
LIMINE TO ADMIT EVIDENCE UNDER FEDERAL RULE OF EVIDENCE 404(b)**

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and Justin Ashenfelter and J. Jeanette Kang, Assistant United States Attorneys, hereby files its Motion to Withdraw its previously filed Motion *in Limine* to Admit Evidence as Intrinsic to the Crimes Charges or, Alternatively, Under Federal Rule of Evidence 404(b) [Doc. 26].

1. On November 10, 2022, the government filed a Motion *in Limine* seeking to admit certain evidence involving previously uncharged criminal conduct by the defendant. The government's motion *in limine* remains pending. At the time of the filing, the defendant was represented by attorney Gary S. Silver. In August 2023, Elliot Cohen, Esq. entered his appearance as new counsel for the defendant and Mr. Silver withdrew as counsel [Docs. 43 and 45].
2. On November 1, 2023, the grand jury returned a superseding indictment charging the defendant with an additional crime – distribution of 500 grams or more of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) (Count One) [Doc. 52]. The conduct underlying Count One accounts for the evidence the government sought to introduce in its previously filed motion *in limine*. Accordingly,

the government hereby moves to withdraw the motion, as it now intends to introduce the same the conduct in its case-in-chief to prove Count One.

WHEREFORE, for the reasons stated above, the government respectfully requests that the Court permit the government to withdraw its motion *in limine* filed under Docket Number 26; or, in the alternative, the government requests that the Court deny the motion as moot.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Justin Ashenfelter
JUSTIN ASHENFELTER
J. JEANETTE KANG
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Government's Motion to Withdraw its previously filed Motion *in Limine* to Admit Evidence As Intrinsic or Under Federal Rule of Evidence 404(b) has been served by me via ECF upon defense counsel:

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/s/ Justin Ashenfelter

JUSTIN ASHENFELTER
Assistant United States Attorney

Date: January 16, 2024